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6 Attorneys for Defendant
VISA INC., a Delaware corporation
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 THE WAVE STUDIO, LLC, a New York
13 Limited Liability Corporation,

14 Plaintiff,

15 v.

16 VISA INC., a Delaware corporation, and
DOES 1-100,

17 Defendants.
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Case No. 3:15-cv-000239-JSC

Honorable Magistrate
Judge Jacqueline Scott Corley

**DECLARATION OF
REBECCA J. CONTLA**

DECLARATION OF REBECCA J. CONTLA

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Las Vegas, NV 89169-5996

**LEWIS ROCA
|
ROTHGERBER**

1 I, Rebecca J. Contla, state the following:

2 1. I am an employee of Lewis Roca Rothgerber LLP, counsel for Defendant Visa,
3 Inc. in this action. Unless expressly stated otherwise, I have personal knowledge of the facts set
4 forth herein and I am competent to testify.

5 2. At the request of my supervisor, Jonathan W. Fountain, I reviewed the First
6 Amended Complaint and the exhibits attached thereto in the action entitled *The Wave Studio, LLC*
7 *v. General Hotel Management Ltd., et al.*, Case No. 7:13-cv-09239 (S.D.N.Y.) (the “New York
8 Action”). I compared the specific hotels, copyright registrations, and images identified in the
9 First Amended Complaint and exhibits in the New York Action to the specific hotels, copyright
10 registrations, and images identified in the Complaint and exhibits in this action. I did so to
11 determine which specific hotels, copyright registrations, and images at issue in this action are also
12 at issue in the New York Action.

13 3. I determined that 100% of the hotels and copyright registrations that are at issue in
14 this case is also present in the New York Action.

15 4. This action involves the following hotels: (a) The Setai Miami, (b) The Chedi
16 Muscat, (c) The Nam Hai Hoi An, (d) The Chedi Club Ubud, (e) The Chedi Chiang Mai, (f) The
17 Leela Goa, and (g) The Daetai Langkawi. (Compl. ¶ 11). The New York Action involves the
18 same hotels. (New York Action, First Am. Compl. ¶ 10.)

19 5. This action involves the following copyright registrations: (a) VAu 1-055-458; (b)
20 VA 1-432-325; (c) VA 1-432-326; (d) VA 1-432-328; (e) VA 1-432-329; (f) VA 1-432-331; (g)
21 VA 1-758-524; and (h) VA 1-825-429. (Compl. ¶¶ 14, 25.) The New York Action involves the
22 very same copyright registrations (New York Action, First Am. Compl. ¶¶ 77, 98, 99, 100, 101,
23 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120,
24 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,
25 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156.)

26 6. Thus, all of the hotels and copyright registrations at issue in this case are at issue in
27 the New York Action.

28 7. I also determined that approximately 56-58% of the images at issue in this action

are also at issue in the New York Action. Of the 45 or 46 images Plaintiff The Wave Studio, LLC ("Wave") alleges have been infringed in this action, Wave has alleged that 26 of those same images have been infringed by General Hotel Management Ltd. ("GHM") and others in the New York Action. For example, Wave attached four (4) images of The Chedi Club at Tanah Gajah, Ubud to the Complaint it filed in this case. Wave also attached four (4) images of the same hotel to the Complaint in the New York Action, claiming that those images had been infringed. Two of the images are the same in this case and in the New York Action. Thus, approximately 56-58% of the images at issue in this action are also at issue in the New York Action.

8. I memorialized the results of my review in the following color-coded table by highlighting the exhibit numbers to the respective complaints where the same images appear in both cases. The number of distinct colors in a given box represents the number of images that are the same for a given location. For instance, with respect to the first set of images, for the Chedi Club at Tanah Gajah, Ubud, the images appearing at the green-colored locations are identical and the ones at the yellow-colored ones are identical.

This Case:**The New York Action:**

The Chedi Club at Tanah Gajah, Ubud	The Chedi Club at Tanah Gajah, Ubud
2-A, pg. 2, 3, 4	1-13, pg. 13
2-B, pg. 2	1-20, pg. 2
2-O, pg. 4	1-23, pg. 4
2-P, pg. 2, 3, 4	1-44, pg. 2
2-LL, pg. 4	1-51, pg. 4
2-MM, pg. 2, 3, 4	1-67, pg. 2
2-YY, pg. 3, 4	1-71, pg. 7
2-ZZ, pg. 2, 3	1-76, pg. 2
2-KKK, pg. 4	1-77, pg. 2
2-LLL, pg. 2, 3, 4	1-78, pg. 2
2-XXX, pg. 3, 4	1-82, pg. 2
2-YYY, pg. 2, 3	1-85, pg. 2
	1-95, pg. 2
TOTAL images: 4 (2 same)	1-96, pg. 2, 6
	1-97, pg. 2
	TOTAL images: 4

The Chedi, Chiang Mai

2-B, pg. 3, 4
 2-C, pg. 2, 3, 4
 2-D, pg. 2, 3, 4
 2-E, pg. 2, 3
 2-Q, pg. 2, 3, 4
 2-R, pg. 2, 3, 4
 2-S, pg. 2, 3, 4
 2-T, pg. 2
 2-BB, pg. 2, 3, 4
 2-CC, pg. 2, 3, 4
 2-DD, pg. 2, 3, 4
 2-NN, pg. 2, 3, 4
 2-OO, pg. 2, 3, 4
 2-PP, pg. 2, 3, 4
 2-VV, pg. 2
 2-ZZ, pg. 4
 2-AAA, pg. 2, 3, 4
 2-BBB, pg. 2, 3, 4
 2-CCC, pg. 2, 3, 4
 2-MMM, pg. 2, 3, 4
 2-NNN, pg. 2, 3, 4
 2-OOO, pg. 2, 3, 4
 2-PPP, pg. 2
 2-YYY, pg. 4
 2-ZZZ, pg. 2, 3, 4
 2-AAAA, pg. 2, 3, 4
 2-BBBB, pg. 2, 3, 4

TOTAL images: 11 (3 same)**The Chedi, Chiang Mai**

1-37, pg. 3, 3
 1-41, pg. 3
 1-48, pg. 4
 1-68, pg. 8
 1-71, pg. 3
 1-77, pg. 4
 1-79, pg. 2
 1-87, pg. 6
 1-91, pg. 2
 1-95, pg. 3

TOTAL images: 9**The Datai**

2-E, pg. 4
 2-F, pg. 2
 2-T, pg. 3, 4
 2-EE, pg. 2, 3
 2-QQ, pg. 2, 3
 2-DDD, pg. 2, 3
 2-PPP, pg. 3, 4
 2-CCCC, pg. 2, 3

TOTAL images: 2 (1 same)**The Datai**

1-63, pg. 5
 1-68, pg. 9
 1-69, pg. 2

TOTAL images: 2

The Leela Goa

2-F, pg. 3, 4
 2-G, pg. 2, 3, 4
 2-H, pg. 2, 3
 2-CCCC, pg. 4
 2-DDDD, pg. 2, 3, 4
 2-EEEE, pg. 2, 3, 4
TOTAL images: 7 (2 same)

The Leela Goa

1-61, pg. 2
 1-63, pg. 4
 1-73, pg. 5
 1-79, pg. 4
 1-88, pg. 3
 1-92, pg. 4, 4, 4

TOTAL images: 8**The Chedi Muscat**

2-H, pg. 4
 2-I, pg. 2, 3, 4
 2-J, pg. 2, 3, 4
 2-K, pg. 2, 3
 2-U, pg. 2, 3, 4
 2-V, pg. 2, 3, 4
 2-W, pg. 2, 3, 4
 2-EE, pg. 4
 2-FF, pg. 2, 3, 4
 2-GG, pg. 2, 3, 4
 2-HH, pg. 2, 3
 2-QQ, pg. 4
 2-RR, pg. 2, 3, 4
 2-SS, pg. 2, 3, 4
 2-TT, pg. 2, 3
 2-DDD, pg. 4
 2-EEE, pg. 2, 3, 4
 2-FFF, pg. 2, 3, 4
 2-GGG, pg. 2, 3
 2-QQQ, pg. 2, 3, 4
 2-RRR, pg. 2, 3, 4
 2-SSS, pg. 2, 3, 4
 2-FFFF, pg. 2, 3, 4
 2-GGGG, pg. 2, 3, 4
 2-HHHH, pg. 2, 3, 4

TOTAL images: 9 (7 same)**The Chedi Muscat**

1-13, pg. 4, 4, 7, 7 (2 different pict. each)
 1-14, pg. 2, 5
 1-15, pg. 2, 2, 5, 5 (2 different pict. each)
 1-18, pg. 5, 5 (2 different pict. each)
 1-22, pg. 2, 5
 1-24, pg. 4
 1-25, pg. 1
 1-30, pg. 4, 4, 4, 5, 5, 5 (3 different pict. each)
 1-33, pg. 2
 1-35, pg. 2, 4, 7
 1-40, pg. 2, 4, 4, 4, 4, 4 (5 different pict.), 6
 1-41, pg. 2, 5
 1-44, pg. 4, 7, 11
 1-45, pg. 2, 5
 1-46, pg. 3, 6
 1-47, pg. 3, 6
 1-48, pg. 3, 5
 1-51, pg. 6, 9
 1-52, pg. 4, 7
 1-63, pg. 3, 6
 1-67, pg. 4, 7
 1-68, pg. 5, 2, 10
 1-69, pg. 4, 7
 1-70, pg. 3, 6
 1-71, pg. 2, 5
 1-73, pg. 2, 4
 1-76, pg. 2, 5
 1-78, pg. 4, 7
 1-79, pg. 3
 1-80, pg. 2, 4
 1-82, pg. 5, 8
 1-83, pg. 4, 6, 10
 1-85, pg. 5, 8
 1-87, pg. 5

1		1-88, pg. 2
2		1-91, pg. 3
3		1-92, pg. 2, 2, 2 (3 pictures total on page)
4		1-96, pg. 3, 8
5		1-97, pg. 3, 6
6		TOTAL images: 16
7	The Nam Hai	The Nam Hai
8	2-K, pg. 4	1-13, pg. 5
9	2-L, pg. 2, 3	1-14, pg. 3
10	2-X, pg. 2, 3, 4	1-15, pg. 3
11	2-HH, pg. 4	1-18, pg. 3, 3 (2 separate pict. each)
12	2-II, pg. 2, 3	1-22, pg. 3
13	2-TT, pg. 4	1-23, pg. 2
14	2-UU, pg. 2, 3	1-24, pg. 5
15	2-GGG, pg. 4	1-29, pg. 2
16	2-HHH, pg. 2, 3	1-30, pg. 3
17	2-TTT, pg. 2, 3, 4	1-33, pg. 3
18	2-UUU, pg. 2	1-35, pg. 3, 3, 3 (3 separate pict. each)
19	2-III, pg. 2, 3, 4	1-39, pg. 3
20	2-JJJ, pg. 2, 3, 4	1-40, pg. 3
21	TOTAL images: 4 (4 same)	1-44, pg. 5
22		1-45, pg. 3
23		1-46, pg. 4
24		1-47, pg. 4
25		1-51, pg. 7
26		1-52, pg. 5
27		1-63, pg. 2
28		1-64, pg. 2
		1-66, pg. 2
		1-67, pg. 5
		1-68, pg. 6
		1-69, pg. 5
		1-70, pg. 4
		1-72, pg. 2
		1-73, pg. 3
		1-76, pg. 4
		1-78, pg. 5
		1-80, pg. 3
		1-82, pg. 6
		1-83, pg. 5
		1-84, pg. 2
		1-85, pg. 6
		1-92, pg. 3, 3, 3 (3 different pict. each)
		1-96, pg. 4

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	1-97, pg. 4 1-98, pg. 3 TOTAL images: 19
The Setai 2-L, pg. 4 2-M, pg. 2, 3, 4 2-N, pg. 2, 3, 4 2-O, pg. 2, 3, 4 2-Y, pg. 2, 3, 4 2-Z, pg. 2, 3, 4 2-AA, pg. 2, 3, 4 2-II, pg. 4 2-JJ, pg. 2, 3, 4 2-KK, pg. 2, 3, 4 2-LL, pg. 2, 3, 4 2-VV, pg. 3, 4 2-WW, pg. 2, 3, 4 2-XX, pg. 2, 3, 4 2-YY, pg. 2 2-HHH, pg. 4 2-III, pg. 2, 3, 4 2-JJJ, pg. 2, 3, 4 2-KKK, pg. 2, 3, 4 2-UUU, pg. 3, 4 2-VVV, pg. 2, 3, 4 2-WWW, pg. 2, 3, 4 2-XXX, pg. 2 2-KKKK, pg. 2, 3, 4 2-LLLL, pg. 2, 3, 4 TOTAL images: 9 (7 same)	The Setai 1-13 pg. 2, 2, 8, 9, 10, 10, 11, 11, 12, 12 1-14 pg. 6, 7, 8, 9 1-16, pg. 2 1-17, pg. 2, 3, 4, 5, 6 1-18, pg. 2, 2, 6, 7, 7, 8, 8, 9, 9, 10 1-19, pg. 2, 3 1-21, pg. 2, 3 1-22, pg. 6, 8, 9, 10 1-23, pg. 6, 7 1-24, pg. 2, 2 1-25, pg. 2, 3, 4, 5 1-26, pg. 2, 3, 4 1-27, pg. 2, 2, 3, 4 1-28, pg. 2, 3, 4, 5, 6, 7 1-29, pg. 3 1-31, pg. 1, 2, 3, 3, 3, 3, 3, 4, 5, 5 1-32, pg. 2, 3 1-34, pg. 1, 2, 3, 4, 5 1-35, pg. 5, 6, 8 1-36, pg. 2, 3 1-38, pg. 2, 3, 4, 5, 6, 7, 7, 7 1-39, pg. 2, 4, 5, 6, 7 1-40, pg. 5, 7, 8 1-41, pg. 6, 8, 9 1-42, pg. 2, 3, 4 1-43, pg. 2, 3, 4 1-44, pg. 8, 10, 12, 12 1-45, pg. 6, 8, 9, 10 1-46, pg. 7, 9, 10, 11 1-47, pg. 7, 9, 10, 11 1-48, pg. 2, 6, 7, 8, 9, 10 1-49, pg. 2 1-50, pg. 2, 3 1-51, pg. 3, 10, 12, 13 1-52, pg. 2, 8, 9, 10 1-53, pg. 2 1-54, pg. 2, 3 1-55, pg. 2 1-56, pg. 2

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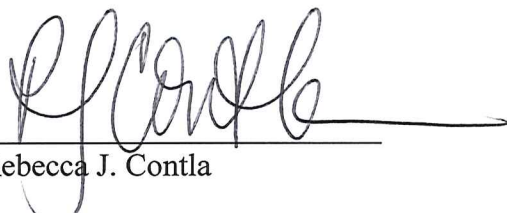
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1-57, pg. 2, 2, 2, 2 (4 different pict. each)
1-58, pg. 2, 2, 2, 2 (4 different pict. each)
1-59, pg. 2
1-60, pg. 2
1-62, pg. 2, 3, 4
1-64, pg. 5, 7, 8, 9
1-65, pg. 2
1-67, pg. 8, 9, 10
1-69, pg. 8, 10, 11, 12
1-70, pg. 7, 8, 9, 10, 11
1-71, pg. 6, 9, 10, 11
1-73, pg. 6, 7, 7, 8
1-74, pg. 2, 3, 4, 5
1-75, pg. 2, 3
1-76, pg. 6, 8, 9
1-77, pg. 3, 5, 5, 5, 6
1-78, pg. 3, 8, 10, 11
1-79, pg. 6
1-80, pg. 5, 6, 7, 8
1-81, pg. 3, 4
1-82, pg. 3, 9, 10, 11, 12
1-83, pg. 2, 7, 8, 9
1-84, pg. 2, 2, 2
1-85, pg. 3, 9, 11, 12
1-86, pg. 2, 3, 4, 5, 6, 7
1-87, pg. 2, 3
1-88, pg. 5
1-89, pg. 2, 3, 4
1-90, pg. 2, 3, 4
1-91, pg. 4
1-92, pg. 5, 6
1-93, pg. 2, 3, 4, 5
1-94, pg. 2
1-95, pg. 4, 5, 6
1-96, pg. 7
1-97, pg. 7, 9
1-98, pg. 2, 4, 5, 6, 7

TOTAL images: 50

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 18, 2015


Rebecca J. Contla